

REMARKS

Applicant wishes to thank the Examiner Wallenhorst for the courtesy of a telephone conference on the 35 U.S.C. §101 double patenting rejection. In accordance with that phone conference, Claims 27 and 29 have now been amended and are believed to present claims of a different scope than the claims referred to in the parent U.S. Patent No. 6,627,155.

There is already a Terminal Disclaimer of record in the present application.

Pursuant to MPEP §2181 and the directions of the Court of Appeals of the Federal Circuit, in its en banc decision of *In Re Donaldson Company*, 16 Fed.3d 1189 (Fed. Cir. 1994), the Patent Office must interpret means plus function language under 35 U.S.C. §112, sixth paragraph, in accordance with the directions of the *Donaldson* decision. Thus, the Patent Office must limit the corresponding structure to that specifically disclosed in the specification and in the drawings. In this regard, there is, accordingly, a different scope to the current claims than the claims set forth in U.S. Patent No. 6,627,155.

In addition, independent Claim 27 now defines the gasified elements as being analyzed quantitatively for at least one of C, S, and N.

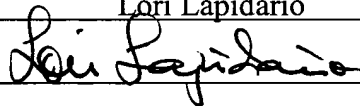
Claim 29 further defines means for elements in the dust filter means, the dehumidifier means, the oxidizing means, and the sampling section means. The scope of the feedback circulating system is not limited since the specification is only required to define a preferred embodiment and the limitations and specification are not incorporated into the claim for a non-means for element. In this regard, the feedback circulating system is connected downstream of the dust filter unit and upstream of the mass spectrometer when compared to the scope of the claims in U.S. Patent No. 6,627,155.

In view of the present status of the claims, it is believed that the issue under 35 U.S.C. §101 has now been resolved.

If the Examiner believes that the case is not in condition for allowance, it is still requested that the amendments to the claims be entered since they limit the issues that would be at issue in any appeal under 37 CFR §1.116.

If the Examiner believes that a telephone interview will help further the prosecution of this case, she is respectfully requested to contact the undersigned attorney at the listed telephone number.

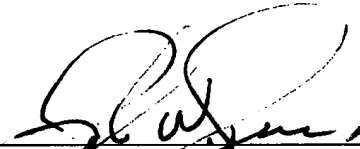
I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 18, 2005.

By: Lori Lapidario

Signature

Dated: August 18, 2005

Very truly yours,

SNELL & WILMER L.L.P.



Joseph W. Price
Registration No. 25,124
600 Anton Boulevard, Suite 1400
Costa Mesa, California 92626
Telephone: (714) 427-7420